

S. 1476

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Fort Peck Rural County Water Supply System Act of 1995".

**SEC. 2. DEFINITIONS.**

For the purposes of this Act:

(1) **CONSTRUCTION.**—The term "construction" means such activities associated with the actual development or construction of facilities as are initiated on execution of contracts for construction.

(2) **DISTRICT.**—The term "District" means the Fort Peck Rural County Water District, Inc., a non-profit corporation in Montana.

(3) **FEASIBILITY STUDY.**—The term "feasibility study" means the study entitled "Final Engineering Report and Alternative Evaluation for the Fort Peck Rural County Water District", dated September 1994.

(4) **PLANNING.**—The term "planning" means activities such as data collection, evaluation, design, and other associated preconstruction activities required prior to the execution of contracts for construction.

(5) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

(6) **WATER SUPPLY SYSTEM.**—The term "water supply system" means the Fort Peck Rural County Water Supply System, to be established and operated substantially in accordance with the feasibility study.

**SEC. 3. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.**

(a) **IN GENERAL.**—Upon request of the District, the Secretary shall enter into a cooperative agreement with the District for the planning, design, and construction by the District of the water supply system.

(b) **SERVICE AREA.**—The water supply system shall provide for safe and adequate rural water supplies under the jurisdiction of the District in Valley County, northeastern Montana (as described in the feasibility study).

(c) **AMOUNT OF FEDERAL CONTRIBUTION.**—

(1) **IN GENERAL.**—Subject to paragraph (3), under the cooperative agreement, the Secretary shall pay the Federal share of—

(A) costs associated with the planning, design, and construction of the water supply system (as identified in the feasibility study); and

(B) such sums as are necessary to defray increases in the budget.

(2) **FEDERAL SHARE.**—The Federal share referred to in paragraph (a) shall be 80 percent and shall not be reimbursable.

(3) **TOTAL.**—The amount of Federal funds made available under the cooperative agreement shall not exceed the amount of funds authorized to be appropriated under section 4.

(4) **LIMITATIONS.**—Not more than 5 percent of the amount of Federal funds made available to the Secretary under section 4 may be used by the Secretary for activities associated with—

(A) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) oversight of the planning, design, and construction by the District of the water supply system.

**SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act \$5,800,000, to remain available until expended. The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1994, as indicated by engineering cost indices applicable to the type of construction project authorized under this Act. •

• Mr. BAUCUS. Mr. President, today, I am pleased to join Senator BURNS in introducing legislation to ensure that the over 500 people who live near Fort Peck Reservoir have a safe, dependable domestic water supply. Currently those who live adjacent to one of the largest bodies of water ever developed by the Federal Government in the West, the Fort Peck Reservoir, are forced to travel many miles several times a week to fill tanks and barrels for their domestic water use.

This bill will authorize the development of a rural municipal water system for the residents of the Fort Peck Rural Water District in northeastern Montana. The project will tap into Fort Peck Reservoir to construct a safe and reliable drinking system for both municipal and agricultural purposes. It will also enable this scenic area of Montana to attract economic development which has been stifled due to the lack of water.

I propose that this project be a partnership between the Federal Government, the State of Montana, and local interests. The State and local groups will contribute 20 percent of the cost of the project's completion. A needs assessment and feasibility study conducted by the Bureau of Reclamation [BOR] has completed a needs assessment and feasibility study that estimates the total Federal expenditure will be less than \$6 million.

If we can afford to spend millions of dollars developing domestic water supplies in other nations around the world, we can and should be able to do the same for Montanans.

I urge the committee to take prompt action on this critical measure and will work toward expeditious passage through the full Senate. •

**ADDITIONAL COSPONSORS**

S. 413

At the request of Mr. DASCHLE, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such Act, and for other purposes.

S. 704

At the request of Mr. SIMON, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from New Mexico [Mr. BINGAMAN] were added as cosponsors of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 1028

At the request of Mrs. KASSEBAUM, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and

small employers, and for other purposes.

S. 1200

At the request of Ms. SNOWE, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 1200, a bill to establish and implement efforts to eliminate restrictions on the enclaved people of Cyprus.

S. 1224

At the request of Mr. GRASSLEY, the name of the Senator from Maine [Mr. COHEN] was added as a cosponsor of S. 1224, a bill to amend subchapter IV of chapter 5 of title 5, United States Code, relating to alternative means of dispute resolution in the administrative process, and for other purposes.

S. 1228

At the request of Mr. D'AMATO, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1228, a bill to impose sanctions on foreign persons exporting petroleum products, natural gas, or related technology to Iran.

S. 1296

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1296, a bill to amend the Employee Retirement Income Security Act of 1974 to clarify the treatment of a qualified football coaches plan.

**SENATE CONCURRENT RESOLUTION 11**

At the request of Ms. SNOWE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution supporting a resolution to the long-standing dispute regarding Cyprus.

**AMENDMENTS SUBMITTED****THE AMERICAN FLAG CONSTITUTIONAL AMENDMENT OF 1995****BIDEN AMENDMENT NO. 3093**

Mr. BIDEN proposed an amendment to the joint resolution (S.J. Res. 31) proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States; as follows:

Strike all after the resolving clause and insert the following: That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

**"ARTICLE —**

"SECTION 1. The Congress shall have power to enact the following law:

"It shall be unlawful to burn, mutilate, or trample upon any flag of the United States.

"This law does not prohibit any conduct consisting of the disposal of the flag when it has become worn or soiled."

"SECTION 2. As used in this article, the term 'flag of the United States' means any

flag of the United States adopted by Congress by law, or any part thereof, made of any substance, of any size, in a form that is commonly displayed.

"SECTION 3. The Congress shall have the power to prescribe appropriate penalties for the violation of a statute adopted pursuant to section 1."

#### HATCH (AND OTHERS) AMENDMENT NO. 3094

Mr. HATCH (for himself, Mr. HEFLIN, and Mrs. FEINSTEIN) proposed an amendment to the joint resolution (S.J. Res. 31) supra; as follows:

Strike all after the resolving clause and insert the following: That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission to the States for ratification:

#### "ARTICLE —

"The Congress shall have power to prohibit the physical desecration of the flag of the United States."

#### HOLLINGS AMENDMENTS NOS. 3095–3096

Mr. HOLLINGS proposed two amendments to the joint resolution (S.J. Res. 31) supra; as follows:

#### AMENDMENT NO. 3095

After the first article add the following:

#### "ARTICLE

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts. The judicial power of the United States shall not extend to any case or controversy arising under this article except as may be specifically authorized by legislation adopted pursuant to this section.

"SECTION 7. Total receipts shall include all receipts of the United States government except those derived from borrowing. Total outlays shall include all outlays of the United States government except those for repayment of debt principal. The receipts (including attributable interest) and outlays

of the Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund (as and if modified to preserve the solvency of the funds) used to provide old age, survivors, and disabilities benefits shall not be counted as receipts or outlays for the purpose of this article.

"SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later."

#### AMENDMENT NO. 3096

After the first article add the following:

#### "ARTICLE

"SECTION 1. Congress shall have power to set reasonable limit on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.

"SECTION 2. Each State shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to State office.

"SECTION 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.

"SECTION 4. Congress shall have power to implement and enforce this article by appropriate legislation."

#### MCCONNELL (AND OTHERS) AMENDMENT NO. 3097

Mr. MCCONNELL (for himself, Mr. BENNETT, Mr. DORGAN, and Mr. BUMPERS) proposed an amendment to the joint resolution (S.J. Res. 31) supra; as follows:

Strike all after the resolving clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Flag Protection and Free Speech Act of 1995".

#### SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the flag of the United States is a unique symbol of national unity and represents the values of liberty, justice, and equality that make this Nation an example of freedom unmatched throughout the world.

(2) the Bill of Rights is a guarantee of those freedoms and should not be amended in a manner that could be interpreted to restrict freedom, a course that is regularly resorted to by authoritarian governments which fear freedom and not by free and democratic nations;

(3) abuse of the flag of the United States causes more than pain and distress to the overwhelming majority of the American people and may amount to fighting words or a direct threat to the physical and emotional well-being of individuals at whom the threat is targeted; and

(4) destruction of the flag of the United States can be intended to incite a violent response rather than make a political statement and such conduct is outside the protections afforded by the first amendment to the United States Constitution.

(b) PURPOSE.—It is the purpose of this Act to provide the maximum protection against the use of the flag of the United States to promote violence while respecting the liberties that it symbolizes.

#### SEC. 3. PROTECTION OF THE FLAG OF THE UNITED STATES AGAINST USE FOR PROMOTING VIOLENCE.

(a) IN GENERAL.—Section 700 of title 18, United States Code, is amended to read as follows:

#### "§ 700. Incitement; damage or destruction of property involving the flag of the United States

"(a) ACTIONS PROMOTING VIOLENCE.—Any person who destroys or damages a flag of the United States with the primary purpose and intent to incite or produce imminent violence or a breach of the peace, and in circumstances where the person knows it is reasonably likely to produce imminent violence or a breach of the peace, shall be fined not more than \$100,000 or imprisoned not more than 1 year, or both.

"(b) DAMAGING A FLAG BELONGING TO THE UNITED STATES.—Any person who steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to the United States and intentionally destroys or damages that flag shall be fined not more than \$250,000 or imprisoned not more than 2 years, or both.

"(c) DAMAGING A FLAG OF ANOTHER ON FEDERAL LAND.—Any person who, within any lands reserved for the use of the United States, or under the exclusive or concurrent jurisdiction of the United States, steals or knowingly converts to his or her use, or to the use of another, a flag of the United States belonging to another person, and intentionally destroys or damages that flag shall be fined not more than \$250,000 or imprisoned not more than 2 years, or both.

"(d) CONSTRUCTION.—Nothing in this section shall be construed to indicate an intent on the part of Congress to deprive any State, territory or possession of the United States, or the Commonwealth of Puerto Rico of jurisdiction over any offense over which it would have jurisdiction in the absence of this section.

"(e) DEFINITION.—As used in this section, the term 'flag of the United States' means any flag of the United States, or any part thereof, made of any substance, in any size, in a form that is commonly displayed as a flag and would be taken to be a flag by the reasonable observer."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 18, United States Code, is amended by striking the item relating to section 700 and inserting the following new item:

"700. Incitement; damage or destruction of property involving the flag of the United States."

#### ADDITIONAL STATEMENTS

#### SENATE HOMEPAGE RATED TOP 5 PERCENT

● Mr. WARNER. Mr. President, in October of this year I announced the Senate presence on the World Wide Web. Today I am pleased to announce the Senate's Homepage on the World Wide Web has been rated among the top 5 percent of all Web sites on the Internet by an independent group. This group, Point Survey, called the Senate's Web presentation "the best place to learn about how the Senate really works" and call it "a valuable site."

The Senate Homepage is proving to be a tool that allows citizens to better understand the constitutional and historical role of this institution, and its underlying responsibilities within our society.

Again I would like to acknowledge the hard work of Howard O. Greene, Senate Sergeant at Arms; Kelly D. Johnston, Secretary of the Senate; and